

RECEIVED

Jul 14 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE CIRCUIT COURT
FOURTEENTH JUDICIAL CIRCUIT

The Honorable Marvin H. Dukes, III

Appellate Court Case No.
Circuit Court Case No. 2020-CP-07-02160

Bay Point Island, LLC,Appellant,

v.

County of Beaufort, Beaufort County Zoning Board of Appeals,
South Carolina Coastal Conservation League, Inc. and
Gullah/Geechee Fishing Association, Respondents.

NOTICE OF APPEAL

Bay Point Island, LLC (“Appellant”) hereby appeals (1) the Order Granting Motions to Intervene issued by The Honorable Marvin H. Dukes, III on May 5, 2022 and (2) the Order Denying Motion to Reconsider issued by The Honorable Marvin H. Dukes, III on June 15, 2022. Appellant received written notice of entry of the Order Granting Motions to Intervene on May 5, 2022, the Order Denying Motion to Reconsider on June 15, 2022. Copies of said orders are attached hereto.

July 14, 2022

s/John A. Massalon
John A. Massalon, Esquire (SC Bar #10279)
WILLS MASSALON & ALLEN LLC
Post Office Box 859
Charleston, South Carolina 29402
(843) 727-1144
jmassalon@wmalawfirm.net

Attorneys for Bay Point Island, LLC

Other Counsel of Record:

Thomas Keaveny II, Esquire
Deputy County Attorney
Beaufort County Legal Department
102 Industrial Village, Bldg. 1
Beaufort, SC 29901
843-255-2025
tkeaveny@bcgov.net

ATTORNEYS FOR COUNTY OF BEAUFORT
AND BEAUFORT COUNTY ZONING BOARD OF APPEALS

Bradley Allan Mitchell, Esquire
201 Johnston Street
St. George, SC 29477
843-832-0097
brad@bradmitchelllaw.com

ATTORNEY FOR BEAUFORT COUNTY
ZONING BOARD OF APPEALS

Leslie S. Lenhardt, Esquire
Amy E. Armstrong, Esquire
SC Environmental Law Project
P.O. Box 1380
Pawleys Island, SC 29585
843-527-0078
leslie@scelp.org

ATTORNEYS FOR GULLAH/GEECHEE FISHING ASSOCIATION

Ross A. Appel, Esquire
McCullough Kahn, LLC
359 King Street, Suite 200
Charleston, South Carolina 29401
(843) 937-9798
ross@mklawsc.com

ATTORNEYS FOR SOUTH CAROLINA
COASTAL CONSERVATION LEAGUE

RECEIVED

Jul 14 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE CIRCUIT COURT
FOURTEENTH JUDICIAL CIRCUIT

The Honorable Marvin H. Dukes, III

Appellate Court Case No.
Circuit Court Case No. 2020-CP-07-02160

Bay Point Island, LLC,Appellant,

v.

County of Beaufort, Beaufort County Zoning Board of Appeals,
South Carolina Coastal Conservation League, Inc. and
Gullah/Geechee Fishing Association, Respondents.

PROOF OF SERVICE

I certify that the Notice of Appeal was served upon Respondents County of Beaufort, Beaufort County Zoning Board of Appeals, South Carolina Coastal Conservation League, Inc., and Gullah/Geechee Fishing Association via electronic court filing to counsel of record listed below on July 14, 2022. Attached as exhibit A, please see the Notification of Electronic Filing.

Thomas Keaveny II, Esquire
Deputy County Attorney
Beaufort County Legal Department
102 Industrial Village, Bldg. 1
Beaufort, SC 29901
843-255-2025
tkeaveny@bcgov.net

Bradley Allan Mitchell, Esquire
201 Johnston Street
St. George, SC 29477
843-832-0097
brad@bradmitchelllaw.com

ATTORNEY FOR BEAUFORT COUNTY
ZONING BOARD OF APPEALS

ATTORNEYS FOR COUNTY OF
BEAUFORT AND BEAUFORT COUNTY
ZONING BOARD OF APPEALS

Leslie S. Lenhardt, Esquire
Amy E. Armstrong, Esquire
SC Environmental Law Project
P.O. Box 1380
Pawleys Island, SC 29585
843-527-0078
leslie@scelp.org

ATTORNEYS FOR
GULLAH/GEECHEE FISHING
ASSOCIATION

Ross A. Appel, Esquire
McCullough Kahn, LLC
359 King Street, Suite 200
Charleston, South Carolina 29401
(843) 937-9798
ross@mklawsc.com

ATTORNEYS FOR SOUTH CAROLINA
COASTAL CONSERVATION LEAGUE

July 14, 2022

s/John A. Massalon
John A. Massalon, Esquire (SC Bar #10279)
WILLS MASSALON & ALLEN LLC
Post Office Box 859
Charleston, South Carolina 29402
(843) 727-1144
jmassalon@wmalawfirm.net

Attorneys for Bay Point Island, LLC

EXHIBIT “A”



***** IMPORTANT NOTICE - READ THIS INFORMATION *****
NOTICE OF ELECTRONIC FILING [NEF]

A filing has been submitted to the court RE: 2020CP0702160

Official File Stamp: 07-14-2022 03:42:28 PM
Court: CIRCUIT COURT
Common Pleas
Beaufort
Case Caption: Bay Point Island Llc VS Beaufort County Of , defendant, et al
Document(s) Submitted: Appeal/Notice of Appeal to Court of Appeals
- Exhibit/Filing of Exhibits
- Exhibit/Filing of Exhibits
Filed by or on behalf of: John A. Massalon

This notice was automatically generated by the Court's auto-notification system.

The following people were served electronically:

Ross A. Appel for Coastal Conservation League Inc South Carolina
Leslie S. Lenhardt for Gullah/Geechee Fishing Association
John A. Massalon for Bay Point Island Llc
Thomas C Taylor for Bay Point Island Llc
Bradley Allan Mitchell for Beaufort County Zoning Board Of Appeals
Thomas J. Keaveny, II for Beaufort County Of, Beaufort County Zoning Board Of Appeals

The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:



RECEIVED

Jul 14 2022

SC Court of Appeals

97 Broad Street • Charleston, SC 29401 • Post Office Box 859 • Charleston, SC 29402
Phone: 843-727-1144 • Fax: 843-727-7696 • www.wmalawfirm.net

July 14, 2022

Direct Dial (843) 793-6039

VIA EMAIL ONLY

The Honorable Jenny Abbott Kitchings- ctappfilings@sccourts.org
Clerk of Court, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: Bay Point Island, LLC v. County of Beaufort, Beaufort County Zoning Board of Appeals, South Carolina Coastal Conservation League, Inc. and Gullah/Geechee Fishing Association
Circuit Court Case No.: 2020-CP-07-02160
Our File No.: 2290-1

Dear Ms. Kitchings:

Enclosed please find a Notice of Appeal, along with the Orders on appeal, in regard to the above-referenced matter. Please return a file-stamped copy of the same to me at your earliest convenience. If you have any questions, please do not hesitate to contact me.

With kind regards, I am

Respectfully,

WILLS MASSALON & ALLEN LLC

John Massalon

John A. Massalon
jmassalon@wmalawfirm.net

JAM/cb
Enclosures

cc: Mr. Timothy Pitcher
Thomas C. Taylor, Esquire
Thomas Keveany, II, Esquire
Bradley Allen Mitchell, Esquire
Leslie S. Lenhardt, Esquire
Ross A. Appel, Esquire